

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
v.)	Civil Action No. 05-cv-374
Plaintiff,)	
NABSTAR, LLC d/b/a SLEEP INN)	
Defendant.)	

**PLAINTIFF, EEOC'S MOTION FOR EXTENSION OF DEADLINE TO
RESPOND TO SUMMARY JUDGMENT MOTION AND TO COMPEL PRODUCTION
OF DOCUMENTS**

Plaintiff, EEOC, by and through its counsel, Rachel M. Smith, moves this Court to grant a **14 day extension** of the deadline to respond to Defendant's Motion for Summary Judgment **from May 1, 2006, to May 15, 2006** for the reasons set forth below:

1. Neither Plaintiff nor Defendant has received all transcripts from the depositions taken during discovery, and such information is necessary to adequately respond to Defendant's pending motion.
2. Plaintiff has not had the necessary benefit of reviewing all materials that are referenced by Defendant in its Motion for Summary Judgment as they have not been provided to the Court nor to Plaintiff to date.
3. The lack of the above mentioned information necessitates the need for an extension of at least 14 days in order for Plaintiff to have an opportunity to file its response to Defendant's motion.

Plaintiff, EEOC, seeks to compel information pertinent to the pending litigation that was previously requested by way of its Second Request for Production of Documents for the reasons set forth below:

1. Defendant's responses to Plaintiff's Second Requests for Production of Documents are deficient as Defendant did not supply the Commission with any documents in response to its requests. Specifically, the Commission seeks any and all documents that are responsive to document request # 2 (also attached):

"Produce any and all personnel files, employee files, and other relevant documents, of the employees of Nabstar, LLC Sleep Inn, Newark, Delaware

location between August 1, 2003 and the present that is in the custody, control, or possession of Defendant.”

Documents pertaining to this request are necessary to respond to Defendant’s pending motion.

2. Nor has Defendant provided Plaintiff, EEOC, with a certification from its client verifying its responses to any of Plaintiff’s discovery requests.

Respectfully submitted,

/s/ Rachel M. Smith
RACHEL M. SMITH,
Trial Attorney
U.S. E.E.O.C.
21 South 5th Street, Suite 400
Philadelphia, PA 19106

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NABSTAR, LLC d/b/a SLEEP INN)	
Defendant.)	

ORDER

AND NOW, this ____ day of _____, 2006, upon consideration of Plaintiff's Motion for an Extension of Deadline to Respond to Defendant's Motion for Summary Judgment and Motion to Compel the Production of Documents it is hereby ORDERED:

That Plaintiff's request for an extension of time to respond to Defendant's Summary Judgment Motion by 14 days to May 15, 2006 is HEREBY GRANTED.

That Plaintiff's Motion to Compel is HEREBY GRANTED.

1. Defendant shall provide information pertaining to Document Request #2 contained in Plaintiff's Second Request for Production of Documents within five (5) days of this Order.

2. Defendant shall also provide a signed certification from its client verifying its responses to all of Plaintiff's discovery requests.

BY THE COURT:

HON. GREGORY M. SLEET
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I certify that a true and correct copy of Plaintiff EEOC's Motion for Extension of Deadline to Respond to Defendant's Motion for Summary Judgment and Motion to Compel Production of Documents was served by electronic filing this 24th day of April, 2006 to the following:

Kevin Connors, Esq.
Marshall Dennehey Warner Coleman & Goggin
1220 North Market Street, 5th Floor
P.O. Box 8888
Wilmington, DE 19899-8888

Date: April 24, 2006

/s/Rachel M. Smith
Rachel M. Smith
Trial Attorney
U.S. EEOC